

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:	:		:
Fukuda et al.	:	Art Unit	: 1625
	:		
Serial No.	: 09/702,944	Examiner	: P. Morris
			:
Filed	: October 31, 2000	Patent No.	: 6,812,238 B1
			:
Title	: N-SUBSTITUTED CARBAMOYL-	Issued	: November 2, 2004
	OXYALKYL-AZOLIUM		:
	DERIVATIVES		:

Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT
FOR MISTAKE (37 C.F.R. 1.33)**

Sir:

A certificate of correction, under 35 U.S.C. 254, is requested for the above patent. It is noted that error appears in this patent of a clerical nature, as more fully described below. Correction thereof does not involve such changes in the patent as would constitute new matter or would require re-examination.

Attached hereto, in duplicate, is Form PTO/SB/44, with at least one copy being suitable for printing.

The error is in the improper dependency of claim 3 on claim 1. In the Certificate of Correction claim 3 has been corrected so that it is no longer dependant upon claim 1. Therefore the term "of claim 2" in line 1 has been removed from claim 3.

The above correction was discussed with the Examiner on September 2, 2008. Applicants' attorney wishes to thank the Examiner for the courtesy extended to him during the course of the telephone conversation. During the telephone conversation Applicants' attorney pointed out to the Examiner how claim 3 was improperly dependent upon claim 1.

In claim 3, where the compound of formula II contains a substituted pyridin-2yl moiety, R⁶ is given as "alkylaminoalkylcarbonyloxy". Please note claim 3, col. 52 at line 22. However, this substituent is omitted from claim 1. When R³ is a substituted

pyridin-2yl the substituents set forth in column 51, lines 47-52, of claim 1 do not include this substituent. Therefore claim 3 is not properly dependent upon claim 2 which is dependent upon claim 1.

The above amendment does not add any new matter to this claim or specification. The specification specifically recites the compound of formula II R⁶ is alkylaminoalkylcarbonyloxy. See column 2, line 54 and column 3, line 35 which clearly define the substituent as alkylaminoalkylcarbonyloxy. It is clear that the error was made through inadvertent mistake of applicant in presenting claim 1 which did not include the substituent for R⁶ which is present in claim 3. This error was made through inadvertence and without any deceptive intent. It is clear that the change involve does not constitute any new matter or would require any reexamination of claim 3 since it in no way changes the scope of claim 3.

Since the error resulted from applicant's inadvertence a fee of one hundred dollars (\$100), as set forth in section 37 CFR 1.20(a), is due in respect to this matter. Please charge this fee to Deposit Account No. 03-3839.

If any additional fees are due in respect to this matter, please charge them to Deposit Account No. 03-3839.

Please send the Certificate of Correction to:

William H. Epstein
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Respectfully submitted,



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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 6,812,238 B1

APPLICATION NO.: 09/702,944

ISSUE DATE : November 2, 2004

INVENTOR(S) : Fukuda et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 51, claim 3, line 1, delete "of claim 2".

MAILING ADDRESS OF SENDER (Please do not use customer number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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